

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: )  
Barton et al. ) Examiner: Revak, Christopher A.  
Application No.: 10/622,709 ) Art Unit: 2131  
Filed: 07/21/2003 ) Atty. Docket No.:  
For: PRE-APPROVAL OF COMPUTER ) NAIIP491/03.025.01  
FILES DURING A MALWARE )  
DETECTION ) Date: 07/11/2007

---

Issue Fee Payment Transmittal

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following items:

- 1) Comments on Statement of Reasons for Allowance
- 2) Part B- Issue Fee Transmittal

Respectfully submitted,  
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka  
Reg. No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
(408) 971-2573

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: )  
Barton et al. ) Examiner: Revak, Christopher A.  
Application No.: 10/622,709 )  
Filed: 07/21/2003 ) Art Unit: 2131  
For: PRE-APPROVAL OF COMPUTER FILES ) Atty. Docket No.:  
DURING A MALWARE DETECTION ) NAIIP491/03.025.01  
))  
))  
))

---

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance mailed 06/20/2007, please enter the following:

REMARKS

The Examiner has stated in the Examiner's Statement of Reasons for Allowance the following: “[i]t was not found to be taught in the prior art of using identifying code to determine if a computer file is potentially a specific known malware free computer file, the identifying code compares a file name and a storage location of the computer file with a corresponding file name and storage location of the specific known malware free computer file,” and that “[i]f stored attributes match with the determined attributes, the computer file is confirmed as being the specific known malware free computer file” (emphasis added).

In response, applicant points out that at least some of the independent claims (e.g. Claims 1, 9 and/or 17) are not necessarily limited to at least the emphasized features that the Examiner has highlighted above. Just by way of example, at least some of applicant's independent claims are not necessarily limited to a “using identifying code” as the Examiner notes. In addition, at least some of applicant's independent claims do not specifically state “the identifying code compares a file name and a storage location of the computer file with a corresponding file name and storage location of the specific known malware free computer file” (emphasis added), as the Examiner further notes.

Clearly, at least some of the independent claims are not necessarily limited to the features that the Examiner has noted above in the Examiner's Statement of Reasons for Allowance, as emphasized above (by way of example only). Instead, each of the claims should only be limited by the language existing therein.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of

the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAIIP491).

Respectfully submitted,  
Zilka-Kotab, P.C.

/KEVINZILKA/

Kevin J. Zilka  
Registration No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
Telephone: (408) 505-5100